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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/037,931 | 01/04/2002 | Theodore F. Emerson | COMP:0220B | 7599 |

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03/08/2004

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EXAMINER

RAHMJOO, MANUCHER

ART UNIT

PAPER NUMBER

2676

3

DATE MAILED: 03/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/037,931

Applicant(s)

EMERSON ET AL.

Examiner

Mike Rahmjoo

Art Unit

2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 8-10 and 17-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, and 11-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1- 3, 4- 7, 11- 13, and 14- 16 are drawn to plurality of look up tables, classified in class 345, subclass 602.
- II. Claims 8- 10, 17- 19, and 20- 22 are drawn to snooping processors, classified in class 711, subclass 146.

The inventions are distinct, each from the other because of the following reasons:

Inventions I, and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a remote management controller having an EGA and VGA look up tables, etc.. Alternatively, invention II has separate utility such as snooping processors accessing and storing EGA and VGA color palette of a video graphics controller, etc.. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for invention I is not required for invention II, restriction for examination purposes as indicated is proper. It would be a serious burden on the examiner to search

Art Unit: 2676

and examine all II inventions due to their divergent subject matter and different field of search.

During a telephone conversation with attorney of the record Mr. Michael Fletcher on February 25, 2004 a provisional election was made without traverse to prosecute the invention I, claims 1- 3, 4- 7, 11- 13, and 14- 16. Affirmation of this election must be made by applicant in replying to this Office action. Claims 8- 10, 17- 19, and 20- 22 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1- 7, and 11- 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Hester (US Patent 5,608,426).

As per claims 1, 4, 6, 11, and 14 Hester teaches a plurality of computers (see for example column 2 lines 40- 45); a remote management controller having an EGA shadow look up table and a VGA shadow look up table (see for example column 3 lines 50- 52, column 4 lines 1- 8, and figure 1- 3 with different display **protocols** having different palettes with one or more entries with each entry being identified by a **color index** value namely RGB), the remote management controller being adapted to snoop accesses (access and manipulate) to EGA and VGA color palettes of a video graphics controller(see for example column 4 lines 60- 65 and figure 3), and to create a copy of information in the EGA color palette in the EGA shadow look up table and a copy (manipulation)of information in the VGA color palette in the VGA shadow look up table, wherein information in the EGA shadow look up table and the VGA shadow look up table is

used to communicate correct color information to the remote computer (see for example column 4 lines 45- 55 through communicating the changes and **manipulating** the system palette on he remote computer to make an exact **match**).

As per claims 2, 5, 12, and 15 Hester inherently teaches the remote management controller is adapted to snoop a bus coupled between a processor and the video graphics controller see for example figures 1- 3 and column 4 lines 59- 67 through column 5 lines 1- 9.

As per claims 3, 7, 13, and 16 Hester inherently teaches the video graphics controller comprises a frame buffer, and wherein the remote management controller is adapted to read color palette index values (see for example column 5 lines 41- 57) of the frame buffer and use the color palette index values (index entries see for example column 4 lines 18- 30) to index the shadow look up tables to obtain the correct color values for pixels in the frame buffer see for example figures 1- 3 and column 4 lines 5- 10.

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. US patent 6,483,502, 6,023,729, 5,982,392, 6,088,706, 6,388,675, and US PUB 2002/0067429 and 2002/0091850.

US Patent 6,233,634 teaches a communication system is presented whereby sequences of video screens sent from a host CPU to a video controller can be stored and subsequently retrieved by a terminal located remote from the host CPU. The host CPU and video controller form part of a server arranged within a distributed computing system. An administrator situated at the remote terminal can retrieve select video screens produced during server operations to determine information regarding the server configuration. The sequence of video screens thereby represent video screen changes stored upon a server controller adapted for coupling to the server expansion bus. The video screen changes represent a sequence of video screen changes occurring. Those changes provide beneficial information to an administrator located remote from the server, and allows the administrator to communicate with the server using several possible communication protocols (including EGA and VGA). The server controller snoops display data written from the host CPU to the video controller and mirrors (copying) the display data upon buffers within the server controller. Information within the buffers can be called upon by a remotely situated administrator.

US Patent 6633905 teaches a remote access device is disclosed for capturing, digitizing and communicating video signals from a host computer to a remote computer. The remote computer returns keyboard and mouse signals through the

Art Unit: 2676

remote access device to the host computer to control the host computer as though the remote keyboard and mouse were directly connected to the host computer. The remote access device includes a circuit module interface for the host computer that allows the remote access device to operate independently of any operating system characteristics associated with the host computer.

Inquiry

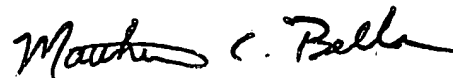
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Rahmjoo whose telephone number is (703) 305-5658. The examiner can normally be reached on 6:30- 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (703) 308- 6829. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872- 9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

Mike Rahmjoo

February 25, 2004



MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600